APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,796	09/29/2003	Janne Kallio	KOLS.058PA	2976

7590 11/17/2006	EXAMINER	
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Minneapolis, MN 55425	2194	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/673,796	KALLIO ET AL.
	Examiner	Art Unit	
	Abdou Karim Seye	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 September 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This is the initial office action based on the application filed on September 29, 2003.

Claims 1-33 are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out
> and distinctly claiming the subject matter that the applicant regards as his
> invention.

3. Claims 6-7,9-10,12,16, 21 and 24 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention.

Appropriate clarification is required on the following claims:

Claim 6 recites the limitation "the properties". There is insufficient

antecedent basis for the limitation in this claim; therefore dependent claim

7 is also affected by the same rejection.

Claims 9,10,12,16,21 and 24 contain the trademark/trade name "Java",

"java virtual machine" and "Symbian". Where a trademark or trade name is used

in a claim as a limitation to identify or describe a particular material or product, the

claim does not comply with the requirements of 35 U.S.C. 112, second paragraph

(see Ex parte Simpson, 218 USPQ 1020; Bd. App. 1982). The claim scope is

uncertain since the trademark or trade name cannot be used properly to identify

any particular material or product. A trademark or trade name is used to identify a

source of goods, and not the goods themselves. Thus, a trademark or trade name

does not identify or describe the goods associated with the trademark or trade

name. In the present case, the trademark/trade names are used to

identify/describe a family of products generated in the proprietary programming

language called "Java", "java virtual machine" and a software called "Symbian",

accordingly, the identifications/descriptions are indefinite.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section
122(b), by another filed in the United States before the invention by the applicant for patent or (2)
a patent granted on an application for patent by another filed in the United States before the
invention by the applicant for patent, except that an international application filed under the treaty
defined in section 351(a) shall have the effects for purposes of this subsection of an application
filed in the United States only if the international application designated the United States and
was published under Article 21(2) of such treaty in the English language

5. Claims 1-6,8-15, 17-24,26-29 and 31-33 are rejected under 35 U.S.C. 102(e) as

being anticipated by **Lavian, et al. (US 6772205).**

Claim 1:<u>Lavian</u> discloses a method of communication between a target/terminal equipment and an accessory connected to the terminal equipment, comprising:

a. Providing a client application interface (fig. 2/226, col. 6, lines 44-50; fig. 1);

b. Executing a device software application on a device (fig. 1, col. 3, lines 5-10); and

c. Executing a proxy application within the target/terminal equipment (fig. 7, col. 9, lines 55-60; col. 10, lines 52-54).

Claim 2:<u>Lavian</u> discloses a method of communication as in claim 1 above and further discloses that the step of identifying/detecting the devices connected on the network (fig. 1, col. 3, lines18-25).

Claim 3:<u>Lavian</u> discloses a method of communication as in claim 1 above and further discloses downloading application such as a proxy application (fig. 1, col. 3, lines 4-30; fig. 5, col. 8, lines 10-25).

Claim 4: <u>Lavian</u> discloses a method of communication as in claim 3 above and further discloses executing the downloaded application (fig. 5, col. 8, lines 10-30).

Claim 5:<u>Lavian</u> discloses a method of communication as in claim 1 above and further discloses the proxy application assisting in the conversion and processing of the instruction data sent to the target/terminal equipment (abstract; fig. 7, col. 10, lines 64-67).

Claim 6:Lavian discloses a method of communication as in claim 1 above and

further discloses storing features/properties information associated with the device

network and distributing them to software applications (fig. 7, col. 10, lines, 16-27).

Claim 8: Lavian discloses a method of communication as in claim 1 above and

further discloses that multiple software applications are downloaded and executed on

the network devices (col. 2, lines 49-55; fig. 5, col. lines 9-30).

Claim 9: Lavian discloses a method of communication as in claim 1 above and

further discloses that the proxy application is a java application and the proxy

application is interpreted by a java virtual machine (fig. 7, col. 11, lines 1-35).

Claim 10: Lavian discloses a method of communication as in claim 1 above and

further discloses that the accessory software application is a java application and the

application is interpreted in the accessory by a java virtual machine (fig. 7, col. 11, lines

1-35).

Claim 11:Lavian discloses a method of communication as in claim 1 above and

further discloses a proxy mode for the processing of software application (fig. 7, col. 11,

lines 20-25).

Claim 12: Lavian discloses a method of communication as in claim 1 above and

further discloses converting non-java application to java application by using a proxy

device application (fig. 7, col. 11, lines 1-67).

Claim 13: Lavian discloses a method of communication as in claim 1 above and

further discloses executing non-java application by using the proxy application (fig. 7,

col. 11, lines 1-67).

Claim 14: <u>Lavian</u> discloses a method of communication as in claim 1 above and
further discloses that the services offered by the target/terminal device comprise
communication services and user interface services (fig. 1, col. 3, lines 50-67; fig. 2,
col. 4, lines 1-29).

Claim 15:<u>Lavian</u> discloses a method of communication as in claim 1 above and
further discloses that a device software application downloaded from a server enables
a user of the device to operate the target/terminal equipment (fig. 2, col. 4, lines 30-35).

Claim 17:<u>Lavian</u> discloses a device /terminal equipment comprising:

a. A connection interface enabling an accessory to be connected to the
terminal equipment (fig. 1, col. 3, lines 30-59);

b. An application interface to services offered by the terminal (fig. 2/226,
col. 6, lines 44—50); and

c. A software platform configured to execute a proxy application (fig. 7,
col. 11, lines 1-35).

Claim 18:<u>Lavian</u> discloses a device /terminal equipment as in claim 17 above and
further discloses a device configured to download a proxy application
(fig. 1/102, col. 3, lines 1-15).

Claim 19:<u>Lavian</u> discloses a device /terminal equipment as in claim 17 above and
further discloses an accessory manager configured to obtain information about
accessory software in an accessory connected to the target/terminal device
(fig. 1/106,116 col. 3, lines 31-59).

Claim 20: _Lavian_ discloses a device /terminal equipment as in claim 17 above

and further discloses that the terminal equipment detecting the connecting of devices

(fig. 5, col. 8, lines 10-30).

Claim 21: _Lavian_ discloses a device /terminal equipment as in claim 17 above

and further discloses executing a proxy device application in the device/terminal with

java software platform (fig. 7, col. 11, lines 1-67).

Claim 22: _Lavian_ discloses a device /terminal equipment as in claim 17 above

and further discloses that the software platform is configured to execute a proxy

application providing in the terminal equipment a non-java application interface (fig. 7,

col. 11, lines 1-67).

Claim 23: _Lavian_ discloses a device /terminal equipment as in claim 17 above

and further discloses that the software platform is configured to execute a proxy

application providing a user interface of an device connected to the target/terminal (fig.

8, col. 12, lines 5-21; fig. 7, col. 11, lines 1-67).

Claim 24: _Lavian_ discloses a device /terminal equipment as in claim 17 above

and further discloses that the software platform is a java virtual machine (fig. 7, col. 11,

lines 1-67).

Claim 26: _Lavian_ discloses a device accessory for a target/ terminal, comprising:

a. Means for connecting a device/accessory to the terminal equipment (fig.

1, col. 2, lines 64-67,col. 3, lines 1-3; fig. 2, col. 4, lines 8-10); and

b. Means for executing a device software application (fig. 1, col. 3, lines 4-

15; fig. 5, col. 8, lines 9-30).

Claim 27:Lavian discloses a device accessory for a target/terminal as in claim 26 above and further discloses means for uploading a proxy application to the target/terminal device (fig. 4, col. 7, lines 50-67).

Claim 28:Lavian discloses a device accessory for a target/terminal as in claim 26 above and further discloses that the accessory is a cover (fig. 2 col. 4, lines 30-35). The elements " printers and keyboard" connected to the target/terminal of Lavian reference meets the claimed limitation of the claim based on the applicant's disclosed statement in the specification.

Claim 29:Lavian discloses a device accessory for a target/terminal as in claim 26 above and further discloses that the accessory is an independently functioning external device (fig. 1, col. 3, lines 1-3).

Claim 31:Lavian discloses a device accessory for a target/terminal as in claim 26 above and further discloses that the accessory has a wire line connection to the terminal equipment (fig. 2, col. 4, lines 30-35).

Claim 32: Lavian discloses a device accessory for a target/terminal as in claim 26 above and further discloses that the user interface of the network device accessory is provided by a client application interface of the target/terminal device (fig.1, col. 3, lines 50-55, fig. 2/226, col. 6, lines 44-50).

Claim 33: Lavian discloses a device accessory for a target/terminal as in. claim 26 above and further discloses a user interface of the target/terminal device is provided by a device accessory (fig. 1, col. 3, lines 1-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all

obvious rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

7. Claims 16 and 25 are rejected under 35 U.S.C. 103 (a) as being unpatentable

over Lavian et al. (6772205).

Claims 16 and 25: Lavian discloses a method and device of

communication as in claims 1 and 17 above and further discloses an

embodiment modules in memory of the target/terminal device including a real

time operating system (RTOS) (fig. 2, col. 4, lines 35-40). However, software

platform "Symbian" is a type of RTOS widely used in the art of wireless devices

communication system. Therefore it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to modify Lavian's

invention with the claimed element " Symbian software platform " in order to

reduce the cost of implementing the real time operating system (RTOS) in

Kallior's invention. One would have been motivated to implement a "Symbian"

software platform on a wireless communication system with multiple network

devices because it is less costly to implement and because of compatibility with a

wider variety of existing software packages.

8. Claims 7 and 30   ıd 1ɔ are rejected under 35 U.S.C. 103 (a) as being

unpatentable over <u>Lavian et al.</u> **(US 6772205)** in view of <u>Goldstein et al</u>

<u>(20040152457)</u>.

      Claim 7:<u> Lavian</u> discloses a method of communication as in claim 1 above and

further discloses storing features/properties information associated with the device

network and distributing them to software applications (fig. 7, col. 10, lines, 16-27), but

he does not explicitly disclose that the parameter type version of an application

interface is included in the properties/features list. However, in the same field of

endeavor <u>Goldstein </u>discloses that the software program version is a valuable

information for downloading the correct software program of a given device brand and

model (paragraph 11 and 12). Therefore it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to modify <u>Lavian's</u> invention

with <u>Golstein's</u> invention in order to download and install the correct functions required

for operating a communication device. Therefore, one would have been motivated to

download from a server correct versions of application program such as device driver

in order improve the functional capabilities of wireless devices equipment within a

communication system.

      Claim 30: <u>Lavian</u> discloses a device accessory for a target/ terminal as in claim

26 and he further discloses that the accessory devices have a wired line connection to

the target/terminal equipment (fig. 2, col. 4, lines 30-35), but he does not explicitly

discloses that the accessory devices have a wireless connection to the target/terminal equipment. However, in the same field of endeavor Goldstein discloses a wireless target/terminal communication device connected to peripheral accessory devices with automatic download of operating programs and current software version (Abstract). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lavian's invention with Golstein's invention and use wireless device in order to allow the entities responsible for selling the peripheral devices to have control of their functions supported and for easy upload and upgrade of new versions of software program. Therefore, one would be motivated to use wireless devices accessories within a communication system in order to reduce maintenance cost for uploading and upgrade software program embedded within wireless equipment devices.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Findikli (20050014531) discloses a System and Method of Software Transfer Between a Mobile Phone and a Mobile Phone Accessory.

Miyatsu et al (20050014531) discloses a Mobile Internet solution using java application combined with local wireless interface.

Margaritidis, I.; Polyzos, G.C. MobiWeb: enabling adaptive continuous media

applications over 3G wireless links, Volume 7, Issue 6, Dec. 2000 Page(s):36 - 41

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Exr. Abdou Seye whose telephone number is

(571) 270-1062. The examiner can normally be reached Monday through Friday

from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact

the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone

number for formal or official faxes to Technology Center 3600 is (571) 273-8300.

Draft or informal faxes, which will not be entered in the application, may be

submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group Receptionist whose telephone

number is (571) 272-3600.

AKS   William Thomson
November 2,2006   Supervisory Patent Examiner

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SUPERVISORY PATENT EXAMINER
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